

I. ADMISSION OF MINORS TO INPATIENT MENTAL HEALTH FACILITIES

A. **Involuntary Admissions** – No matter what your age, you may be admitted from the community or from the Department of Corrections (DOC), Division of Juvenile Corrections (DJC)

- 1. After a hearing, a **court** will decide if you should remain here.
- 2. You may be kept in the facility **for up to 3 days (72 hours)** prior to the court hearing. You must be given a copy of the court papers. You will also be told your rights which include:

You may call a **lawyer** or a **family member**.

You may get a free **lawyer** if you cannot afford one.

You may **keep silent** when court-appointed examiners interview you. Anything you say may be used against you in court.

You can have a **jury trial**. You must ask for a jury trial more than 2 days (48 hours) before going to court.

- 3. Your **lawyer** will tell you your rights and about the court process. Sometimes the court may also appoint another lawyer, called a **guardian ad litem**, to advise the court about your best interest.

B. **Voluntary Admissions** - From the community or from DJC

- 1. **If you are less than 14 year of age** A parent or your guardian must agree, in writing, to you being here. Your home county must also agree to you being here. If you do not want to stay here, you may ask a court to

decide if you have to stay. The court will get you a lawyer.

- 2. **If you are 14 years old or older** You **and** a parent or guardian must agree to you being here. Your home county must also agree to you being here.
- 3. A **court** must also agree that you should remain here for treatment.
- 4. **You** could also **ask a court** to let you stay here, even if your parent or guardian will not agree or cannot be found.

C. **Rights, Rules and Responsibilities** - You will be told the **unit rules**. You will also be told about your **responsibilities**.



II. TREATMENT RIGHTS

- A. You must be provided **proper treatment** and **education** while at the facility.
- B. If you are 14 years old or older, you can refuse all treatment **unless** a court orders it. However, if your parent or guardian agrees to it, you cannot refuse treatment for alcohol or other drug dependency. Other than that if the court has not ordered treatment and you are over 14, a parent or guardian and you must agree to treatment in writing. If you refuse all treatment, your discharge may be considered.
- C. You **must be told** about your treatment and care.
- D. You are encouraged to **participate** in the planning of your treatment and care.
- E. Your relatives must be informed of any **costs** they may have to pay for you being here.

III. PERSONAL RIGHTS

- A. You must be treated with **dignity and respect**.
- B. Your surroundings must be **safe and clean**.
- C. **Reasonable decisions** must be made about your treatment and care.
- D. You should be on the **least secure unit** necessary. You may not be **transferred** to a more secure unit without a good treatment or safety reason.
- E. You may not be **restrained** or placed in a locked room (seclusion) unless it is an emergency or if it is part of a treatment plan.
- F. You may decide if you want to participate in **religious services**.
- G. You cannot be made to **work**, except to clean up after yourself in your room or in common areas. If you do any other work, **you must be paid**.
- H. **You cannot be treated differently** because of your race, national origin, sex, religion, disability or sexual orientation.

IV. COMMUNICATION AND PRIVACY RIGHTS

- A. You may use the **telephone** daily.*
- B. You may see or refuse to see **visitors** daily.*
- C. You must have **privacy** when you are in the **bathroom**.*
- D. You may **wear** your own clothing.*
- E. You may keep and use your own **belongings**.*

[* **Note:** The communication rights listed above may be limited or denied for treatment or security reasons.]

F. You may **send and receive** unopened **mail**. Staff may check your mail for items that are not allowed on the unit. Staff may check your mail only if you are watching.

- G. You may **call or write** to public officials.
- H. You can not be **filmed or taped** unless you agree to it.
- I. You may use your own **money**, within limits, as you choose.

Staff may limit or deny some of your rights for treatment or safety reasons. (See the rights with * after them.) Your wishes and the wishes of your parents or guardian will be considered. If any of your rights are limited or denied, you may ask to talk with staff to explain. If you disagree with the explanation, you may also file a complaint.

Tobacco products and sexual materials (pornography): It is against the law for minors (under 18) to have tobacco products or pornography. If you are found with these, they will be taken and thrown away.

V. RECORD ACCESS AND PRIVACY

- A. Staff must keep your treatment information **private** (confidential).
- B. If you want to **see your records**, ask a staff member.
 - 1. You may always see your records on **physical health or medications**.
 - 2. **Staff may limit** how much you may see of your other records. They would have to give you reasons for any limits.

C. **If you are less than 14 years of age** When you see your records, a parent, guardian, lawyer or staff member must be with you. You may also see your **court records**. A parent, guardian, lawyer or a judge must be with you.

D. **If you are 14 years old or older:** You may allow others to see your records, even if your parent or guardian does not want you to give this permission.

VI. OTHER LEGAL RIGHTS

- A. You may file **complaints**. The complaint process and rules are noted in the other rights pamphlet you were given along with this one.
- B. You may go to **court** about your rights.
- C. Except as noted in this pamphlet, you have the **same rights** as an adult patient.

VII. DISCHARGE RIGHTS

A. VOLUNTARY PATIENTS

- Staff will explain to you your discharge rights.
- If you are less than 14 years of age** (Except as noted in # VIII below) You, a parent or your guardian may ask, in writing, for your discharge. If you came from a juvenile correctional facility, you may have to return there. Staff can help you get a court to decide if you should stay.
- If you are 14 years old or older** (Except as noted in # VIII below) You may ask, in writing, to be discharged or returned to a juvenile correctional facility. Staff must tell your parent or guardian that you want to be discharged.
- (Except as noted in # VIII below) If you ask to leave, the facility must **discharge** you within 2 days (48 Hrs.), not counting weekends or holidays.
- Court ordered stay.** You may have to stay if the facility asks a court to keep you here. You will have a **lawyer** if you go to court. Your lawyer will explain your rights to you. The court may also appoint a **guardian ad litem** for you.

6. **If you are about to become 14 years old.** If staff feel that you need more treatment, they must ask one of your parents or your guardian and you to agree, in writing, for you to stay here. The facility could also ask a court to keep you here. If neither of these happen by your 14th birthday, the facility must discharge you.

B. INVOLUNTARY PATIENTS

The facility and your county decide if you are ready for discharge. You should ask your social worker or your county case manager about discharge. You may also ask a court to release you.

VIII. TREATMENT FOR ALCOHOL AND OTHER DRUG ABUSE (AODA).

- Voluntary treatment.** If you are **12 years old** or older, OR if you are **less than 12 years old** and your parent or guardian cannot be found, you can receive limited AODA treatment **without** your parent or guardian’s consent. You can be assessed, receive counseling and receive detoxification services for up to 72 hours (3 days). Your parent or guardian will be notified of these services “as soon as practicable”.
- Involuntary treatment.** No matter how old you are, if your parent or guardian consents to it, you **cannot refuse** AODA treatment.
- Discharge.** No matter how old you are, if you are here involuntarily for assessment or treatment of treatment of **alcohol** or other **drug use**, you cannot be discharged unless your parent or guardian agrees to t.

IX. PATIENT RIGHTS HELP

If you want to know more about your rights or feel your **rights have been violated**, you may do any of the following:

- A. **Contact the patient rights staff** if you have any questions. Their contact information should be provided to you by the facility.
- B. **File a complaint.** Patient rights staff will look into your complaints. They will keep your complaints **private** (confidential) ; however, they may need to ask staff about the situation.
- C. **Call the Wisconsin Coalition for Advocacy** (WCA). They are advocates and lawyers who can help you. Their telephone number is **(608) 267-0214 or 1(800) 928-8778**.
- D. **Go to court**, either by yourself or with a lawyer.

X. OTHER LEGAL HELP



- If you need help with discharge requests or other legal issues, contact your lawyer. If you do not have a lawyer, ask a staff member how to get in touch with:
- A. **Legal Services Lawyer.** This lawyer helps patients with some legal issues. (Available only in state-operated mental health facilities.)
- B. **Public Defender’s Office.** Lawyers from this office represent people in civil commitments, juvenile court and criminal cases.
- You should **ask your social worker** if any other assistance is available to you.

WISCONSIN
DEPARTMENT OF HEALTH AND FAMILY SERVICES
Division of Disability and Elder Services
PDE-470 (10/04)

State of Wisconsin

RIGHTS
OF
CHILDREN
AND
ADOLESCENT
PATIENTS
**In Inpatient
Mental Health
Facilities**

*What every young patient needs to know
to be aware of his/her legal rights.*

